

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:11cv239**

| | | |
|-------------------------------------|---|---------------------|
| NLAYER COMMUNICATIONS, INC., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| NETRIPLEX, LLC, |) | |
| |) | |
| Defendant. |) | |
| |) | |

Pending before the Court is the Motion for Extension of Time to Respond to Summary Judgment [# 23]. For good cause shown, the Court **GRANTS** the motion [# 23]. Defendant shall have until October 25, 2012, to respond to the Motion for Summary Judgment. Upon a review of the docket, however, it does not appear that the parties have complied with the Court's Amended Pretrial Order and Case Management Plan, which required mediation by September 15, 2012. (Order, Feb. 27, 2012.) The Court **INSTRUCTS** the parties that it will not consider the pending Motion for Summary Judgment until the parties conduct mediation in this case. Accordingly, the Court **DIRECTS** the parties to file a status report with the Court by October 22, 2012, indicating whether they have selected a mediator and whether, in fact, a mediation was conducted in this case. If no mediation has

occurred, the parties should set forth their schedule for completing mediation in this case. Finally, the Court **CONTINUES** the trial in this case until a date to be set in the future after the Court rules on the pending motion.

Signed: October 16, 2012

Dennis L. Howell

Dennis L. Howell
United States Magistrate Judge

